Given that Figures 3 and 6 are alternate embodiments of the predictor 406 of Figure 2, Figure 6 should not have been listed only with the embodiment of Figure 11.

As identified in the Brief Description of the Drawings section, Figure 11 shows a second embodiment of a video encoder that includes a predictor 706 and a feedback block 408. The specification reports that any of the predictor metrics described with respect to Figures 2-10 could be used with feedback according to Figure 11 (p. 23, lines 11-12). Further, the specification states that the predictor 706 is the same as the predictor 406 of Figure 2 except that it uses feedback data from the feedback module 408 (p. 23, lines 16-19). Also, the description of Figure 11 explains that feedback can be used with either the s_act metric (used in the predictor embodiment of Figure 3) or the sym metric (used in the predictor embodiment of Figure 6). As such, it is clear that both predictor embodiments of Figures 3 and 6 can be used in the encoder embodiment of Figure 11

Applicants have elected Specie I, Figures 2-3, of the species identified by the Examiner only because the rules require Applicants to elect one of the identified species. Applicants would prefer to elect the specie of Figure 11 combined with the predictor embodiment of Figure 3, modified to include feedback, as discussed on pages 23-26. Claims 1-14 and 17-24 read on that specie.

Reconsideration of the Species Election Requirement and consideration of claims 1-14 and 17-24 is now requested.

Respectfully submitted,

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